

**567—92.8(455B) Point source project requirements.** All wastewater treatment system projects receiving assistance from the CWSRF which entered into binding loan commitments on or after October 1, 1994, and did not initiate construction of the projects in whole or in part prior to October 1, 1994, shall meet the following requirements:

**92.8(1) Planning.** The planning phase of a project consists of those necessary plans and studies which directly relate to facilities needed to comply with enforceable requirements of the Clean Water Act and state statutes. This phase consists of a systematic evaluation of alternatives that are feasible considering the unique demographic, topographic, hydrologic, and institutional characteristics of the planning area. Facilities planning must support selection of the proposed alternative. The planning phase must include the following:

*a. Facility plan.* The facility plan must contain a description of the proposed project and the complete system of which it is a part. The facility plan must be prepared in accordance with Chapter 11 of the Iowa Wastewater Facilities Design Standards and meet the applicable provisions of this subrule.

*b. Environmental review.* Loan recipients shall conduct environmental review of projects using procedures in 40 CFR Part 6, July 1, 2002, as a part of facility planning. The applicant should work with the department as early as possible in the facilities planning process to determine if the project qualifies for a categorical exclusion from 40 CFR Part 6 requirements, or whether a finding of no significant impact or an environmental impact statement is required. In conjunction with the facility planning process as described in 40 CFR 35.2030(c), July 1, 2002, a potential applicant may request formal determination under 40 CFR Part 6. All of 40 CFR Part 6, July 1, 2002, pertaining to Procedures for Implementing the Requirements of the Council on Environmental Quality of the National Environmental Policy Act, is hereby adopted by reference and incorporated herein. However, all references to the U.S. Environmental Protection Agency as performing acts or reviews shall be substituted with references to the department for the purposes of this chapter.

**92.8(2) Point source project design and construction.** The project design and construction phase must include the following:

*a. Recipient capability.* The recipient must demonstrate to the department that it has the legal, institutional, managerial and financial capability to ensure adequate construction, operation and maintenance of treatment works.

*b. Minority business enterprise/women's business enterprise (MBE/WBE).* The recipient must comply with requirements of MBE/WBE participation as found in 40 CFR 31.36(e), July 1, 2002. The director will negotiate with the EPA regional administrator to determine the overall "fair share" objective for CWSRF loan-assisted projects. The recipient shall take the following affirmative steps to ensure that small, minority, and women's business enterprises are utilized where possible as sources of supplies, construction, and services:

- (1) Placing qualified small, minority, and women's business enterprises on solicitation lists;
- (2) Ensuring that small, minority, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation of small, minority, and women's business enterprises;
- (4) Establishing delivery schedules, where requirements of the work allow, which encourage participation by small, minority, and women's business enterprises;
- (5) Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce; and
- (6) Requiring prime contractors to take the affirmative steps listed above when awarding subcontracts.

*c. Site.* When it is necessary that real property be acquired as part of the project and within the project period, the recipient may be required to submit documentation of the acquisition, including the legal description, the date the property was acquired, and an appraisal report by a qualified appraiser. If required, submittal to the department is to occur prior to contract award.

*d. Project changes.* Prior to the final loan disbursement, the recipient must submit to the department for approval all modifications to the project including changes to the plans and specifications

and changes in the contract (change orders). The recipient is responsible for any costs or actions necessary should the changes be implemented prior to departmental review and subsequently found to be unapprovable.

*e. State inspections.* Personnel of the department shall have the right to examine all construction aspects of the project, including materials and equipment delivered and stored on site for use on the project.